

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FREDERICK BURTON, :
Individually and On Behalf of All Others :
Similarly Situated, : 08 CV 3037 (LAP)

Plaintiff, :

vs. : RULE 7.1 STATEMENT

MERRILL LYNCH & CO., INC. and MERRILL :
LYNCH, PIERCE, FENNER & SMITH INC., :
Defendants. :
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Defendant Merrill Lynch, Pierce, Fenner & Smith Incorporated states that it is a wholly-owned subsidiary of Merrill Lynch & Co., Inc. Defendant Merrill Lynch & Co., Inc. states that it is a publicly held company whose shares are traded on the New York Stock Exchange and there is no publicly held corporation that owns 10% or more of its stock.

Dated: New York, New York
April 1, 2008

/s/ Jay B. Kasner
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Merrill Lynch, Pierce, Fenner & Smith
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